

REMARKS

Introduction

As noted in the Advisory Action, independent claim 32 was not addressed in the previous response. With this response, Applicant believes all independent claims have been addressed and are in condition for allowance.

Prior Art Rejections

Independent claim 32 was rejected under 35 U.S.C. 102 as being anticipated by E.P. Publication No. 0744598 to Welvaarts (hereinafter “Welvaarts”). All other independent claims were addressed in AMENDMENT AND REPLY mailed August 13, 2004 which is incorporated by reference as needed.

Welvaarts relates to a WEIGHING APPARATUS. Welvaarts discloses a load cell 2 mounted on a frame 1 by bolts 3. A bore 4 is formed in a free end of load cell 2, in which a dish-shaped means 5 is disposed. A ball 6 is confined between dish-shaped means 5 and another dish-shaped means 7 supported on ball 6. Dish-shaped means 7 is screwed into a threaded bore which is formed in a sleeve-shaped means 8. The inner circumference of sleeve-shaped means 8 and a side of a wall 9 facing the inside of sleeve-shaped means 8 are spaced from the outer circumference of the end of load cells 2, and the space thus formed is filled by a connecting piece 10 consisting of a resilient material.

Sleeve-shaped means 8 and wall 9 form part of an auxiliary frame, on which a load to be weighed may be placed. At least a larger part of the load to be weighed, which is applied in vertical direction, will be transmitted to load cell 2 via dish 7, ball 6, and dish 5. Any forces applied in a direction deviating from the vertically downward direction will be transmitted to the load cell 2 via the confined resilient connecting piece 10, whereby said connecting piece will also prevent undesirable large movements of auxiliary frame 8, 9 with respect to load cell 2 and/or frame 1.

Claim 32 requires and Welvaarts fails to teach or disclose the combination including “a space being provided between the load cell and mount to permit horizontal movement of the load cell relative to the mount...” The alleged space of Welvaarts is filled in by connecting piece 10. As stated in Welvaarts, “the space thus formed is filled by a connecting piece 10...” Welvaarts, col. 2, line 41. Thus, once connecting piece 10 and pressure force indicator 2 are assembly, as shown in Fig. 1, there is no such space in Welvaarts. Additionally, Welvaarts fails to teach or disclose the combination including “...the liner moving relative to the mount during relative movement between the load cell and the mount.”

Claims 59 and 60 depend from claim 32. Claims 32, 59 and 60 are believed to be in condition for allowance. Such allowance is respectfully requested.

Finality of the Official Action

The Applicant notes that claim 32 was rejected for the first time in the Official Action mailed May 13, 2004. This claim was objected to as being dependent upon rejected base claims, but otherwise allowable if rewritten in independent form in the Official Action mailed January 26, 2004. Because of the finality of the most recent Official Action, the Applicant has not been given the opportunity to address the rejection in a response not subject to the rules of finality. Thus, the Applicant respectfully requests that the finality of the action be removed.

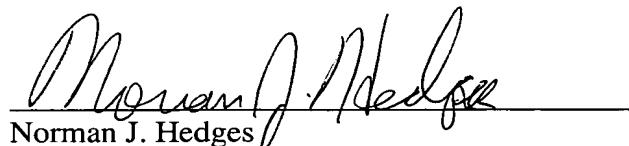
Final Remarks

Claims 1-65 are believed to be in condition for allowance. Such allowance is respectfully requested.

If necessary, please consider this a Petition for Extension of Time to effect a timely response. Please charge any additional fees or credits to the account of Bose McKinney & Evans, LLP Deposit Account No. 02-3223. In the event that there are any questions related to these amendments or to the application in general, the undersigned would appreciate the opportunity to address those questions directly in a telephone interview to expedite the prosecution of this application for all concerned.

Respectfully submitted,

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